IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 277 OF 2005

Shri Dattatraya H. Waghere & Ors. ..Appellants.

Versus

Shri Suryakant R. Shah & Ors. ..Respondents.

Mr. V.G.Mujumdar for the Appellants.

Mr. Birendra Saraf with Mr. Rahul Narvekar i/by Ms. Udwadia & Udeshi for the Respondent No.1.

CORAM : B.H. MARLAPALLE, J.

DATED : 08TH SEPTEMBER,2005.

P.C.:

1. Heard Mr.Mujumdar for the appellants, who are defendants in civil Suit No. 941/2004. In the said suit an application for temporary injunction marked as Exh.5, was filed by the plaintiffs who are respondents Nos. 1 and 2 in the present appeal. The said application for temporary injunction has been allowed by the learned 5th Joint Civil Judge, Sr.Dvn., Pune vide his order dated 22.11.2004, thereby temporarily

restrained the defendants Nos. 1 to 8 from carrying out any construction in the suit property C.T.S. No. 958 till the disposal of the suit.

2. At this stage, Mr. Mujumdar, the learned counsel for the appellants seeks leave to withdraw the appeal. Motion is granted and the Appeal is disposed off as withdrawn. However, this order will not preclude the parties from compromising the dispute.

3. Civil Application No. 969 of 2005 does not survive.

DT.08.09.05 (B.H.Marlappalle,J)